

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9721 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.2 in Crime No.688 of 2022 pending on the file of Station House Officer, Chaitanyapuri Police Station, Rachakonda registered for the offences punishable under Sections 306(2)(n), 376(3) of Indian Penal Code (IPC), Section 5(1) read with Section 6 of POCSO Act and Section 9 of the Prohibition of Child Marriage Act, 2006.

2. Heard learned counsel for the petitioner-Accused No.2 and learned Additional Public Prosecutor for the respondent-State. Perused the record.

3. Briefly the facts of the case are that the *de facto* complainant filed a complaint stating that she lost her parents in the month of January, 2022. For the said reason she was in a depression mode started consuming alcohol and smoking. Thereafter she got acquaintance with this petitioner and also had sexual relationship with him.

4. Learned counsel for the petitioner submits that the *de facto* complainant married Accused No.3 who filed for divorce and the present complaint is filed after Accused No.3 filed for divorce.

5. The case of prosecution is that she being a minor the consent of the *de facto* complainant is of no consequence.

6. On perusal of record, the petitioner is aged around 19 years, he was remanded to judicial custody on 26.09.2022. There are no allegations of any forcible sexual intercourse with the *de facto* complainant and since the major part of the investigation is complete, this Court deems it appropriate to grant bail to the petitioner who is a student on conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner-Accused No.2 is granted bail subject to the following conditions:

i) The petitioner-Accused No.2 is directed to be released on bail on his executing personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each, to the satisfaction of IV Additional Metropolitan Magistrate-cum-IV AJCJ at L.B.Nagar, Rachakonda.

ii) After release on bail, the petitioner-Accused No.2 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of eight (08) weeks and thereafter as and when required for the purpose of investigation.

iii) The petitioner-Accused No.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 14.11.2022
ns

K.SURENDER, J